

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
DECEMBER 20, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:11 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano Melina Castro, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: None. Late: Presi Ortega, Jr. 9:36 a.m. A moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATION

CANUTILLO HIGH SCHOOL DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

Mayor Pro Tempore and Representative Steve Ortega commented.

1. Mr. James Valenti, citizen commented on health care.
2. Ma. Jorge Artalejo, citizen commented on Settlement of grievance outside Judicial proceedings.
3. Ms. Lisa Turner commented on traffic

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr, Holguin, Steve Ortega and O'Rourke

NAYS: None

*Motion made, seconded and carried to **APPROVE** the Minutes for Regular City Council Meeting of December 13, 2005 and Special City Council Meeting of December 12, 2005.

Representative Presi Ortega, Jr. was not present for the vote.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the Ninth Amendment to that certain State Use Contract - Contract for Cleaning Services, dated May 26, 1998, by and between the City of El Paso and Texas Industries for the Blind and Handicapped and Professional Contract Services, Inc. (the "Contract"), to extend the term of the Contract for the provision of cleaning services in the El Paso International Airport Terminal for an additional year.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Industrial Site Lease by and between the City of El Paso ("Lessor") and El Paso Sun Park LTD. ("Lessee") for the following described property:

All of Lots 1 and 6 and a portion of Lots 2 and 5, Block 12, El Paso International Airport Tracts Unit 8, Replat, City of El Paso, El Paso County, Texas containing 77,683 square feet or 1.783 acres of land.

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1st MOTION

*Motion made, seconded and carried to **MOVE TO THE REGULAR** the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council Resolution of September 23, 2003, which authorized a home loan for the Housing Authority of El Paso (HACEP) in the amount of \$774,360.00 for the rehabilitation of a residential property at 119 W. Nevada, El Paso, be rescinded and the project cancelled, as requested by HACEP.

Ms. Natalie Prise, citizen, commented

2nd AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Representatives Lily, Byrd, Lozano Castro, Holguin Steve Ortega, and O'Rourke
NAYS: None

Representative Presi Ortega, Jr. was not present for the vote.

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1st MOTION

*Motion made, seconded and carried to **MOVE TO THE REGULAR** the following;

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the following project be adopted as a Fiscal Year 2005-2006 CDBG project and be further designated for CDBG RLF funding pursuant to the terms set forth in the El Paso Housing Programs Handbook, Chapter Five (Investor-Owned Properties), as provided for below and as recommended by the Director of Community and Human Development.

Housing Authority of the City of El Paso
Application No. Ho-11-IO/CD/RG-0325

CDBG Loan:	\$400,000.00
CDBG Grant	<u>\$100,000.00</u>
Total	\$500,000.00

Address: 9009 Dyer (79904)
Interest at zero percent (0%)

2. THAT the City Manager be authorized to sign all appropriate closing documents and any other documents necessary to complete this project after the project has been bid and the construction contract has been awarded, to include but not to be limited to a CDBG Financial Terms Contract and a Builder's and Mechanic's Lien and Deed of Trust (with Power of Sale) between the City, the Housing Authority of the City of El Paso, Texas and the selected construction contractor relating to this rehabilitation project.
Funding is available in CDBG Program Income FY 04 Account: 09903/71150039-G710RLFCDH-505204 (\$500,000.00)

Ms. Natalie Prise, citizen, commented

2nd AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried to **APPROVE** the above Resolution.

AYES: Representatives Lily, Byrd, Lozano Castro Holguin Steve Ortega, and O'Rourke
NAYS: None

Representative Presi Ortega, Jr. was not present for the vote.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale by and between the City of El Paso and Gilbert and Lupe Soto for the acquisition of a parcel of land containing 765 square feet, more or less, being a portion of Tract 133, North Valumbrosa, Unit Two, El Paso, El Paso County, Texas (Parcel 16), in the amount of One thousand four hundred fifteen and no/100ths (\$1,415.00) to be used for the Roseway Street and Drainage Improvement Project. (District 6).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale by and between the City Of El Paso and Robert And Elizabeth Veliz for the acquisition a parcel of land containing 7,100 square feet, more or less,

described as the North ½ of Tract 108, North Valumbrosa, Unit Two, El Paso, El Paso County, Texas (Parcel 10), in the amount of Fourteen Thousand Two Hundred And no/100ths (\$14,200.00) to be used for the Roseway Street and Drainage Improvement Project. (District 6)

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*Motion made, seconded and carried to **POSTPONE** two (2) weeks the following:

That Raymond Graham be appointed to the Board of Directors of the Industrial Development Authority, Inc

Ms. Lisa Turner, citizen, commented.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Deputy City Clerk is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain 5328. The Grade shall be PM 78. Salary Range: \$40,712.59 - \$60,627.54 (PM 76 to PM 78) Fund Source: 11010009-01101-02000

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Department Administrative Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5348. The Grade is PM 81.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract between the City of El Paso and David R. Kelly, to employ David R. Kelly as a Database Administrator, at a biweekly rate of \$2,019.99, for 40 hours per week. The term of the contract shall be for the period of December 20, 2005 through December 19, 2006. Fund Source: 39010351-01101-501011

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the Agreement for Architectural Services by and between the City of El Paso and Guillermo Barajas, Inc., d/b/a/ Enviro Idea, for a project known as "Westside Sports Complex", to replace two softball fields with two full soccer fields in an amount not to exceed Forth-Four Thousand Five Hundred Twenty Seven and No/100 Dollars (\$44,527.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to an Agreement for Architectural Services by and between the City of El Paso and Ron Brown Architects, a sole proprietorship registered in the state of

Texas, for a project known as "Arlington and Sunrise Parks" for an amount not to exceed Six Hundred Fifty-Seven and 25/100 Dollars (\$657.250)

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement between the City Of El Paso and the Sun Bowl Association relating to traffic control and actions associated with the El Paso 72nd Annual Vitalis Sun Bowl on Friday, December 30, 2005, in the Sun Bowl Stadium

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*Motion made by Mayor Pro-Tempore O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Lorusso, Noel – Training Technician/Instructor
Salgado, Alejandro – Automated Refuse Collection Operator

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*Motion made, seconded and carried to **POSTPONE** two (2) weeks the following:

The appointment of Gail Caldwell to the Parks and Recreation Advisory Board by Representative Melina Castro, District 4

The appointment of Andy C. Saucedo to the Brownfields Redevelopment Board by Mayor Pro Tempore Beto O'Rourke, District 8

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*Motion made, seconded and unanimously carried to **APPROVE** the request that the Deputy Director-Financial Services be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from December 28, 2006 to December 28, 2008 pursuant to the provisions of Contract 2004-018-C1 with Advanced Auto Collision Repair Center Inc., El Paso, Texas for Vehicle Body Repair & Painting.

Option No: ONE [OF ONE]
Amount of Award: \$500,000.00 (total two year extension, estimated)
Account No's: 37370510-503125-45202
Funding Source: Fleet Services Internal Service Fund
Department: General Services-Fleet

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*Motion made, seconded and unanimously carried to **APPROVE** the request that the Deputy Director-Financial Services be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from January 2, 2006 to January 2, 2007 pursuant to the provisions of Contract 2004-037 with Trinity Industries, Inc., Dallas, Texas for Guardrails.

Option No: ONE [OF ONE]
Amount of Award: \$28,000.00 (total one year extension, estimated)
Account No's: 32010200-503203-01101
Funding Source: Public Accesses Maintenance & Repairs, General Funds
Department: Street Department

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*Motion made, seconded and unanimously carried to **AUTHORIZE** the re-allocation of \$158,000 from the Park Contingency Fund approved on 9/14/04 in the Program Outlook for the Park Package 7 – Irrigation and Trees (8 Parks) project based on favorable construction bids received on 11/16/05. Approval to

reallocate \$100,000 Park Package 5 – Arlington and Sunrise Shelter Renovations project, \$58,000 to Park Package 8 – Playgrounds (4 parks) project and return \$50,000 to the Park Contingency Fund for future projects.” Funding Source - 2000 QOL Bond Program.

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*Motion made, seconded and unanimously carried that the following tax refunds be **APPROVED**:

- A. LSI Tax Services in the amount of \$5,712.22 overpayment of 2005 taxes.
(PID #E075-000-0050-2900).
- B. Mission Linen Supply Inc., in the amount of \$10,663.46 overpayment of 2004 taxes. (PID #F607-999-0350-6700).
- C. Land America Lawyers Title of El Paso in the amount of \$5,726.47 overpayment of 2004 taxes. (PID #L071-999-0010-8100).
- D. Reunion Title in the amount of \$3,122.83 overpayment of 2004 taxes.
(PID #P654-999-0810-0100).
- E. LSI Tax Services % AMC Mortgage Services in the amount of \$9,396.99 overpayment of 2004 taxes.
(PID #S533-000-0030-6580).
- F. Patricia D. Martinez in the amount of \$2,594.26 overpayment of 2004 taxes.
(PID #W145-999-0240-2500)

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*Motion made, seconded and unanimously carried to **AWARD** Bid Solicitation No. 2006-036 Citywide Parks Bid Package No. 7

Location:	McArthur Park, Raynolds Park, Suffolk Park, Summit-Fillmore Park, Sunset Heights Park and Tyrone Park
Contractor:	Three C's Contractors El Paso, Texas
Department:	Parks & Recreation
Funds Available:	14101001-PQLPA187-60183-508027
Funding Source:	2000 Quality of Life Bond Issue
Items: Base Bid	\$158,000.00
Total Award:	\$158,000.00
Estimated Completion Date:	June, 2006
Districts:	3, 5, 8

The Department of Parks & Recreation, Perspectiva 3DI, and the Consultant Urban Oasis recommend the award of this contract to Three C's Contractors, the lowest responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

*Motion made, seconded and unanimously carried to **APPROVE** the request of Kern Place Merchants Association to use amplification (6 speakers and 2 amplifiers) 3 speakers on the corner of Cincinnati and Stanton facing Mesa and 3 speakers on the corner of Cincinnati and Mesa facing Mesa on February 4, 2006 from 12:00 p.m. to 2:00 a.m. for the Cricket Communication Launch Party and on February 28, 2006 from 12:00 p.m. to 2:00 a.m. for Mardi Gras. Approximately 25 persons will take part and 3,500 spectators are anticipated. PERMIT # 05-192 [Rico Velez]

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly and unanimously carried that the following Ordinances, having been **introduced** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An ordinance authorizing the City of El Paso to sell a 0.635 acre parcel of land, more or less, being a portion of tracts 3.S.J. Larkin Survey No. 264, a addition to the City of El Paso, El Paso County, Texas to M A Homes, LLC **(District 1)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON JANUARY 3, 2006 FOR ITEM A

- B.** An Ordinance changing the zoning of a portion of E.R. Talley Survey No. 7, El Paso, El Paso County, Texas from R-5 (Residential) and m-1 (Light Manufacturing) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4100 Paisano. Applicant: The County of El Paso. ZON05-00120 **(District 8)** [Planning, Christina Valles, (915) 541-4930]
- C.** An Ordinance granting Special Permit No. ZON05-00121, to allow for a Governmental Building and Use on a portion of E.R. Talley Survey No. 7, El Paso, El Paso County, Texas, pursuant to Section 20.40.040 (Zoning) of the El Paso Municipal Code. The penalty being as Provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4100 Paisano. Applicant: The County of El Paso. ZON05-00121 **(District 8)** [Planning, Christina Valles, (915) 541-4930]
- D.** An Ordinance changing the zoning of Lots 9, 10 & 11, Block 58, East El Paso Addition, El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 3517 - 3519 Gateway West. Applicant: Thomas R. Telles. ZON05-00123 **(District 8)** [Planning, Christina Valles, (915) 541-4930]
- E.** An Ordinance changing the zoning of a portion of Lots 6A and 7, Block 1, Farah Subdivision, El Paso, El Paso County, Texas from C-1/c (Commercial/Condition) and C-1/C/SP (Commercial/condition/special permit) to C-2/C (Commercial/ Condition) and C-2/C/SP (Commercial/Condition/Special Permit). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 9100 Viscount Blvd.. Applicant: Mark A. & Julie Tomlin. ZON05-00131 **(District 3)** [Planning, Christina Valles, (915) 541-4930]
- F.** An Ordinance changing the zoning of a portion of Lots 4 and 5, Block 20, West Ysleta, El Paso, El Paso County, Texas from A-M (Apartment And Mobile Home Park) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 8565 Alameda Avenue. Applicant: Peter A. Stoltz. ZON05-00130 **(District 7)** [Planning, Christina Valles, (915) 541-4930]
- G.** An Ordinance changing the zoning of Tract 7A and a portion of Tract 8A, First Supplemental Map of Parkland Addition, El Paso, El Paso County, Texas from C-4 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 5800 Block of Sun Valley Drive. Applicant: Faust Wardy Sr. and Faust Wardy Jr. ZON05-00126 **(District 4)** [Planning, Christina Valles, (915) 541-4930]
- H.** An Ordinance granting Special Permit No. ZON05-00128, to allow for a Planned Residential Development on Tract 7A and a portion of Tract 8A, First Supplemental Map of Parkland Addition, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code.

The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 5800 Block of Sun Valley Drive. Applicant: Faust Wardy Sr. and Faust Wardy Jr. ZON05-00128 **(District 4)** [Planning, Christina Valles, (915) 541-4930] **NOTE: THIS AN APPEAL CASE**

- I. An Ordinance changing the zoning of the South 10 Feet of Lot 17, and all of Lots 18, 19, and 20, Block 59, Alexander Addition, El Paso, El Paso County, Texas from A-2 (Apartment) To A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 1600 Kansas Street. Applicant: Richard Marro. ZON05-00125 **(District 8)** [Planning, Christina Valles, (915) 541-4930]
- J. An Ordinance changing the zoning of A portion of Tracts 1B and 59A1A, Nellie D. Mundy Survey No. 241, El Paso, El Paso County, Texas from M-1/SC (Light-Manufacturing/special contract) and C-4/SC (Commercial/special Contract) to R-3A/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: North of Artcraft and West of I-10. Applicant: Tropicana Homes, Inc. ZON05-00124 **(District 1)** [Planning, Christina Valles, (915) 541-4930]
- K. An ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.08.080G. (Adult Businesses) by deleting the regulation of content on signage of Adult Businesses. The Penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code. **(All Districts)** [Planning, Kimberly Forsyth, (915) 541-4631]

PUBLIC HEARING WILL BE HELD ON JANUARY 10, 2006 FOR ITEMS B-K

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega and carried to move into executive session Action under 551.071 of the Texas Government Code: Discussion and, on the policy regarding the right of employees to visit with their elected officials

No action taken.

Mayor Cook and Representative Holguin commented.

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AGENDA ITEM: Briefing and Possible Action on recommendations for city-wide curbside recycling program

Motion made by Representative Lilly, seconded by Representative Steve Ortega and carried to accept the Friedman proposal and come back with the formal agreement, if representations are correct.

Ms. Joyce Wilson, City Manager commented.

Mayor Cook and Representative Lozano, Steve Ortega, Presi Ortega, JR., and O'Rourke commented.

Ms. Elen Smyth, Director, Environmental Services, commented and gave a Power Point Presentation (presentation on file in the City Clerk;s office).

Mr. Scott Pasternak, R.W. Beck gave a Power Point Presentation (presentation on file in the City Clerks office).

Mr. Morris Friedman, Friedman Recycling commented.

AYES: Representative Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke.

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lozano

AGENDA ITEM: Discussion and action on request for Hotel, Real and Personal Property, Sales and Beverage Tax relief from Hotel Don Quixote, L.P. to assist in the revitalization of the former International Hotel. **(District 8)**

1st MOTION

Motion made, seconded and carried that the item be **MOVED TO THE FOREFRONT** of the Regular Agenda.

2ND MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd to **SUSPEND THE RULES** of order to allow additional speakers to address Council.

3RD MOTION

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke to **SUSPEND THE RULES** of order to allow Mr. Mike Breitenger to address Council.

4TH MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:14 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss the item under

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

5TH MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to adjourn the Executive Session at 12:42 p.m. and reconvene the meeting of the City Council.

6TH MOTION

Motion made by Representative Byrd, seconded by Representative Lilly to provide 22% Hotel Occupancy Tax revenue to help in Convention business, provide 100% of property tax revenue for ten (10) years, provide \$900,00 in TIF funds and help Mr. Scherr work with empowerment zone and other funding.

AYES: Representatives Lilly and Byrd

NAYS: Representatives Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

The motion **FAILED**.

7TH MOTION

Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. to provide 50% property tax freeze for ten (10) years, \$900,00 in TIF funds and 100% of Hotel Occupancy Tax revenue.

AYES: Representatives Lozano, Presi Ortega, Jr. and Holguin

NAYS: Representatives Lilly, Byrd, Castro, Steve Ortega and O'Rourke

The motion **FAILED**

8TH AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and carried to postpone three (3) weeks the discussion and action on request for Hotel, Real and Personal Property, Sales and Beverage Tax relief from Hotel Don Quixote, L.P. to assist in the revitalization of the former International Hotel.

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin and O'Rourke
NAYS: Representatives Lilly and Steve Ortega

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AGENDA ITEM: Discussion and action with regard to the provision of Real and Personal Property Tax relief from Sierra Providence Health Network for construction of Acute Care Hospital Facility at Loop 375 and Edgemere Boulevard. **(District 5)**

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1st MOTION

Motion made, seconded and carried that the item be **MOVED TO THE FOREFRONT** of the Regular Agenda.

2ND MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd to **SUSPEND THE RULES** of order to allow additional speakers to address Council.

3RD MOTION

Motion made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke and carried to allow Mr. James Valenti an additional two (2) minutes to speak.

Representative Byrd voted nay.

4TH MOTION

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Alicia Franco to address Council.

5TH MOTION

Motion made by Representative Presi Ortega, seconded by Mayor Pro Tempore O'Rourke and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Maria Ascencio to address Council.

6TH MOTION

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke and carried that the City Council retire into **EXECUTIVE SESSION** at 11:42 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss the item under

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Representative Lozano voted nay.

7TH MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega and unanimously carried to adjourn the Executive Session at 11:57 a.m. and reconvene the meeting of the City Council.

8TH AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and carried to send staff to negotiate a tax abatement agreement of 50% for Five (5) years contingent upon new job creation as in the application and to instruct staff to negotiate, if needed, an additional abatement, if it can be justified.

AYES: Representatives Lozano, Presi Ortega, Jr., Steve Ortega, O'Rourke and Mayor Cook
NAYS: Representatives Lilly, Byrd, Castro and Holguin

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ORDINANCE 16239

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO CHANGE THE DATE OF THE CITY GENERAL ELECTION FOR OFFICERS TO AN AUTHORIZED UNIFORM ELECTION DATE AND TO ADJUST THE TERMS OF OFFICE TO CONFORM TO THE NEW ELECTION DATE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
Nays: None

Where upon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16240

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING SECTION 20.02.408 (KENNEL) TO REVISE THE DEFINITION BY DELETING REFERENCE TO THE NUMBER OF ANIMALS ON THE PREMISES. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE**

Representatives Holguin and Steve Ortega commented.
Ms. Kimberly Forsyth, Planning, commented.

Motion duly made by Representative Steve Ortega, seconded by Mayor Pro Tempore that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., , Steve Ortega, and O'Rourke
Nays: Lozano and Holguin

Where upon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16241

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL A: A PORTION OF TRACT 10A, 10E, 12 AND 13, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); PARCEL B: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE); AND PARCEL C: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) AND PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3/C (COMMERCIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. SUBJECT PROPERTY: 7800 BLOCK OF TRANSMOUNTAIN ROAD. APPLICANT: RVE UNIT 18 LTD. ZON05-00080**

Mayor Cook and Representative Lilly commented.

The following City Staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Mr. Rudy Valdes, Chief Planner also gave a Power Point Presentation (presentation on file in the City Clerk's office).
3. Ms. Yolanda Giner, Developers Representative, commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Holguin, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin Steve Ortega and O'Rourke
 NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Holguin and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 4:16p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the Office of the City Attorney be **AUTHORIZED** to reject the settlement offer and be authorized to file a lawsuit to recover the City's workers' compensation subrogation interest regarding Scott Wakefield Graves against the appropriate parties.

Representative Lozano was not present for the vote.

- B.** Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and unanimously carried that the Office of the City Attorney be **AUTHORIZED** to reject the settlement offer and be **AUTHORIZED** to file a lawsuit to recover the City's workers' compensation subrogation interest regarding Francisco Juarez against the appropriate parties.
- C.** Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and **FAILED** that the City Attorney's Office be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled George DeAngelis vs. City of El Paso, et al; Cause No. EP-05-CA-0113-DB.
- D.** Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano and unanimously carried that the Office of the City Attorney **NOT PURSUE** recovery of the City's workers compensation subrogation interest regarding RAUL MERAZ.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None

E. Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd and carried that the City Attorney's Office be **AUTHORIZED** settlement authority and to sign all documents in the claim entitled *Dan Williams Company/Airport/L0019*.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: Representative Castro

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Motion made by Representative Presi Ortega, Jr., seconded by Mayor Pro Tempore O'Rourke and unanimously carried to **ADJOURN** the Executive Session at 4:42 p.m. and reconvene the meeting of the City Council, during which time motions were made.

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Motion made by Representative Presi Ortega, Jr., seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **ADJOURN** this meeting at 4:46 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk